

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Resolution No. 25-00 1

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF
PUBLIC WORKS OF THE CITY OF LEWES AMENDING ITS
COMPILATION OF POLICIES REGARDING ESTABLISHING A
STANDARDIZED PROCESS FOR ADOPTING POLICIES**

WHEREAS, Section 4.1, *among other provisions*, of the Charter for the Board of Public Works of the City of Lewes (the "Lewes BPW"), being Chapter 10, Volume 77, Laws of Delaware, as amended (the "Lewes BPW Charter"), grants the Lewes BPW authority, responsibility, supervision, and control over current or future utility systems established within the Lewes BPW Service Area;

WHEREAS, the Board of Directors of the Lewes BPW (the "Board") adopted a Compilation of Policies on June 29, 2022 concerning various aspects of Lewes BPW authority, responsibility, supervision, and control over its utility systems, including electric, water, sewer, and stormwater rates, pension plans, financial services, impact fees, and other rules and regulations; and

WHEREAS, the Board deems it in the best interest of the ratepayers to update its Compilation of Policies concerning establishing a standardized process for adopting Lewes BPW policies.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS 22nd DAY OF January 2025, THAT:

Section 1. *The Board of Public Works of the City of Lewes: Policies* is hereby amended by adding a new Section 7, titled Policy Procedures, with additions shown by bold/underline as follows:

7 Policy Procedures

7.1 Purpose

The purpose of this Section is to standardize the procedures and methods through which the Board of Directors (the "Board") of the Board of Public Works of the City of Lewes (the "BPW") will exercise its policy making powers as a chartered utility board of the State of Delaware.

7.2 Definitions

(1) "Board" shall mean the Board of Directors of the Board of Public Works of the City of Lewes as established pursuant to the Board of Public Works Charter (the "Charter").

47
48 (2) “BPW” shall mean the Board of Public Works of the City of Lewes.
49

50 (3) “Charter” means the BPW Charter, titled “An Act to Reincorporate the
51 Board of Public Works of the City of Lewes.”
52

53 (4) “City” shall mean the City of Lewes, Sussex County, Delaware.
54

55 (5) “City Council” means the legislative body that governs the City of Lewes
56 comprised of four (4) elected councilpersons and the Mayor of the City of Lewes.
57

58 (6) “Service Area” shall mean the corporate limits of the City of Lewes, the
59 territory beyond such limits authorized in the Charter, and any franchised service area.
60

61 (7) “Utility System” shall mean and include electric generation, transmission, and
62 distribution system; water works and distribution system, wastewater collection, treatment
63 facility, and sewer system; storm water drainage system; and other future Additional
64 Systems and utilities which may be established for the City of Lewes.
65

66 (8) “Policy” means any statement, procedure, policy, right, requirement or
67 prohibition formulated and promulgated by the Board as a rule or standard and as
68 memorialized in the BPW compilation of policies published on the BPW website titled The
69 Board of Public Works of the City of Lewes Policies.
70

71 7.3 Procedure for Adopting Policies

72
73 Proceedings for the adoption, amendment, or repeal of a Policy may be initiated by BPW
74 staff or any Board member and approved through the following procedure:
75

- 76 1. The Policy proposal must be presented, in writing, to the BPW General Manager at
77 least 10 days prior to the next regularly scheduled Board meeting to be considered
78 for placement on said meeting’s agenda for discussion and potential consideration by
79 the Board to publish the proposed Policy for public comment.
80
- 81 2. Should a Policy proposal be placed on the Board agenda, the first meeting will be to
82 determine whether the Policy proposal should be posted for public comment. Before
83 approving a Policy proposal at a future Board meeting, the Board will first give notice
84 as prescribed herein of said Policy proposal and provide interested persons an
85 opportunity to participate in the policy making process through, in addition to an
86 opportunity to provide public comment during a Board meeting on the proposed
87 policy, submission of written suggestions, compilations of data, briefs, arguments or
88 other written materials submitted to the BPW. BPW Staff may choose to organize,
89 classify, summarize, and make recommendations with respect to the materials, which
90 recommendations may be considered with the materials by the Board in reaching its
91 conclusions.
92

- 93 3. Should the Board approve the Policy proposal for public comment, a copy of the full
94 text of said Policy proposal along with a brief synopsis of the subject of said Policy
95 proposal, will be posted in the "Policies / Resolutions" page on the BPW's website
96 (https://www.lewesbpwde.gov/information/resolutions/). The BPW will also post a
97 copy at the Lewes Board of Public Works Office ("BPW Office") located at 107
98 Franklin Avenue, Lewes, Delaware.
99
- 100 4. The posted copy of the Policy proposal will provide the manner through which
101 persons may present their views in writing, including the place to which and the final
102 date by which such views may be submitted. The final date for public comment will
103 be at least fifteen (15) calendar days after approval by the Board for public comment
104 and publication on the BPW's website.
105
- 106 5. Following this public comment period, the Board may consider the Policy proposal
107 during a future Board meeting. The Board may reject, approve, or revise the Policy
108 proposal. Should the Board choose to revise the Policy proposal, the Board in its
109 discretion may, but is not obligated to, republish the as-revised Policy proposal for
110 further public comment before taking action.
111
- 112 6. Following adoption of any Policy proposal pursuant to this procedure, the BPW
113 compilation of policies (i.e., the Board of Public Works of the City of Lewes Policies)
114 will be updated to incorporate said Policy and notice of the adoption of said Policy
115 will be published on the BPW website and in a paper of general circulation
116 within the City of Lewes.
117

118 7.4 Emergency Policies and Other Exemptions to Procedure for Adopting Policies

119

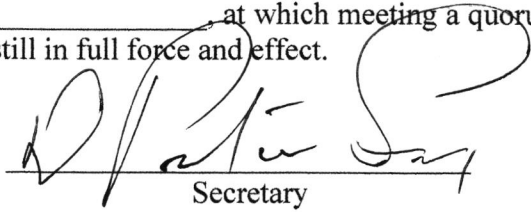
- 120 1. All Policies will be adopted according to these procedures unless the Board, in its sole
121 discretion, determines that good cause exists to bypass the public comment period
122 and incorporates this finding and a brief statement of reasons therefor in the Policy
123 proposal.
124
- 125 2. Examples of good cause appropriate to bypass the public comment period include,
126 but are not limited to:
127 a. Nonsubstantive changes in existing resolutions or policies to alter style or form or
128 to correct technical errors;
129 b. Amendments to existing resolutions or policies to make them consistent with
130 changes in basic law but which do not otherwise alter the substance of those
131 resolutions or policies;
132 c. When notice and the public procedure thereon are impracticable, unnecessary, or
133 contrary to the public interest.
134 d. If the Board determines that an imminent peril to the public health, safety, or
135 welfare requires the adoption, amendment or repeal of a policy with less than the
136 notice provided in these procedures.
137

138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153

Section 2. This Resolution will take effect immediately upon its adoption by the Board of Directors of the Lewes Board of Public Works.

Adopted by the Board of Directors
Of the Lewes Board of Public Works

I, D. Preston Lee, P.E., Secretary of the Board of Public Works of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the Board of Directors of the Lewes BPW at its meeting on _____, at which meeting a quorum was present and voting throughout and the same is still in full force and effect.



Secretary